

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION**

SOVERAIN SOFTWARE LLC,)	
)	
Plaintiff,)	
)	
v.)	
)	Civil Action No. 6:07-CV-00511-LED
CDW CORPORATION,)	
NEWEGG INC.,)	
REDCATS USA, INC.)	
SYSTEMAX INC.,)	
ZAPPOS.COM, INC.,)	
REDCATS USA, L.P.,)	
THE SPORTSMAN'S GUIDE, INC., AND)	
TIGERDIRECT, INC.,)	
)	
Defendants.)	

CERTIFICATE OF CONFERENCE

Counsel for Soverain Software LLC ("Soverain") has complied with the meet and confer requirement in Local Rule CV-7(h). It is our understanding that this motion will be opposed.

The personal conferences required by Local Rule CV-7(h) were conducted over the telephone on March 3, 2008, April 4, 2008 and August 15, 2008. The March 3rd telephone conference was conducted between counsel for Soverain, Barry Satine, Marla Bergman and Stela Tipi, and counsel for Defendants, Thomas Duston and Tonya Deem. During the March 3rd telephone conference, counsel discussed Soverain's and Defendants' proposed Protective Orders and, specifically, Defendants' disagreements with or modifications to Soverain's proposed provisions dealing with the patent prosecution bar; the number of levels of confidentiality to be assigned to parties' documents; the number of in-house counsel who have access to confidential information; the individuals other than in-house counsel, if any, who can access confidential information; the location, storage and viewing of source code; and the logging of source code

copies. The April 4th telephone conference was conducted between counsel for Soverain, Jennifer Seraphine, and counsel for Defendants, Thomas Duston, Mary-Olga Lovett and Tonya Deem. Counsel again discussed Soverain's and Defendants' proposed Protective Orders during the April 4th telephone conference, focusing their discussion on the provision dealing with the patent prosecution bar, among other issues. The August 15th telephone conference was conducted between counsel for Soverain, Jennifer Seraphine and Carl Roth, and counsel for Defendants, Thomas Duston, Mary-Olga Lovett, Douglas McSwane and Eric Findlay. The parties discussed Soverain's and Defendant's proposed Protective Orders during the August 15th telephone conference, addressing the parties' differences, including defendants Systemax, Inc. and TigerDirect, Inc.'s proposal for additional restrictions on the handling of source code.

Defendants Systemax, Inc. and TigerDirect, Inc. have reached an impasse with Soverain regarding the source code provision. Defendants CDW Corporation, Newegg, Inc. and Zappos.com have not responded to Soverain's proposals and, therefore, Soverain cannot move forward with finalizing the Protective Order for submission to the Court. Accordingly, Soverain seeks this Court's assistance to resolve the parties' outstanding issues.

/s/ Thomas L. Giannetti (with permission)